

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GUY RASMUSSEN,  
Petitioner,

v.

RICHARD MORGAN,  
Respondent.

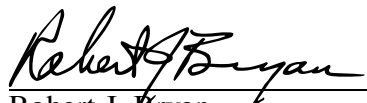
Case No. C04-5448RJB

ORDER DENYING PETITION  
FOR WRIT OF HABEAS  
CORPUS

The Court, having reviewed the petition, the Report and Recommendation of the Hon. J. Kelley Arnold, United States Magistrate Judge, objections to the Report and Recommendation, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation. The court notes that, even assuming that petitioner properly exhausted Claim 8, he was not prejudiced by the trial court's denial during the penalty phase of his proceedings of his motion to stay.
- (2) The petition for writ of habeas corpus is **DENIED**.
- (3) Petitioner's request in his objections to the Report and Recommendation (Dkt. 39) for appointment of counsel is not warranted and is accordingly **DENIED**.
- (4) Petitioner's remaining pending motions are moot and/or inappropriate and therefore **DENIED**.
- (5) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent, and to the Hon. J. Kelley Arnold.

DATED this 17<sup>th</sup> day of November, 2006.

  
Robert J. Bryan  
United States District Judge